



NEWS RELEASE

OFFICE OF THE UNITED STATES ATTORNEY
WESTERN DISTRICT OF MISSOURI

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FOR IMMEDIATE RELEASE

RAYTOWN MAN SENTENCED FOR TRAFFICKING PIRATED CDS, DVDS

KANSAS CITY, Mo. – Todd P. Graves, United States Attorney for the Western District of Missouri, announced that a Raytown, Mo., man was sentenced in federal court today for his role in a conspiracy to traffic in counterfeit CDs and DVDs.

Kinu Adju Mwangi, 34, of Raytown, was sentenced by U.S. Chief District Judge Dean Whipple this afternoon to five years in federal prison without parole. The court also ordered **Mwangi** to pay \$8,110 in restitution to the Recording Industry of America, the Motion Picture Association of America, and two studios that are not MPAA members. Today's sentence, Graves said, reflects an upward departure from the federal sentencing guidelines, which recommend a maximum sentence of two years and nine months in federal prison.

"This is the first case of trafficking pirated DVDs and CDs ever prosecuted in this district," Graves said, "so I'm pleased that the court recognizes the significant economic harm caused by these crimes. Billions of dollars are siphoned every year from the people who legitimately own copyrights on these products into the pockets of illegitimate pirates like **Mwangi**. In addition to the studios and record labels, the victims in this case include thousands of people whose jobs depend on legitimate movie and music sales.

"Selling counterfeit or bootleg movies and music is not a victimless crime," Graves added. "Ultimately, honest consumers will be impacted, so we all have a stake in protecting intellectual property rights."

On June 21, 2005, **Mwangi** pleaded guilty to the charges contained in a March 4, 2005, federal indictment. **Mwangi** admitted that he was trafficking in counterfeit goods from April 1 to June 1, 2004, including 174 DVDs containing unauthorized copies of motion pictures – including titles such as "Shrek 2" and "Troy" that were still playing in theaters and had not yet been released on DVD – along with 322 music CDs containing unauthorized copies of sound

recordings.

According to Graves, **Mwangi** earned up to \$600 per week selling counterfeit merchandise at Nate's 63rd Street Drive-In Swap and Shop, an open-air flea market at the 63rd Street Drive-In, 8200 E. 63rd St. in Kansas City, Mo. He received a couple of boxes each week that were shipped from New York, usually via UPS Next Day Air, each typically containing about 100 CDs and 50 DVDs. **Mwangi** paid \$3 for each counterfeit DVD, which he sold for \$10 apiece, and he paid \$1 for each counterfeit CD, which he sold for \$5 apiece. **Mwangi** also sold jewelry, clothing and other items at his booth.

Graves added that undercover law enforcement officers purchased counterfeit DVDs of "Shrek 2" and "Troy" from **Mwangi** on May 22, 2004 – although both movies had just been released in theaters within the past week.

On May 28, 2004, law enforcement officers executed a search warrant at **Mwangi's** residence and seized 394 CDs and DVDs affixed with counterfeit labeling.

Mwangi was arrested after law enforcement officials received a complaint of a man in the back seat of an SUV at the Zona Rosa shopping center, apparently masturbating. Police officers found the defendant with his pants down around his ankles, watching a pornographic DVD and masturbating. His activities could be seen by people outside the vehicle.

In a search at the time of **Mwangi's** arrest, Graves said, officers recovered \$9,677 and a total of 173 DVDs and CDs contained in two binders.

This case was prosecuted by Assistant U.S. Attorney Daniel M. Nelson. It was investigated by the Raytown, Mo., Police Department, the Jackson County Drug Task Force, and the Bureau of Immigration and Customs Enforcement.

This news release, as well as additional information about the office of the United States Attorney for the Western District of Missouri, is available on-line at

www.usdoj.gov/usao/mow